

California Environmental Protection Agency  
AIR RESOURCES BOARD

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR  
2005 AND ~~SUBSEQUENT~~ THROUGH 2008 MODEL ZERO-EMISSION VEHICLES,  
AND 2001 AND SUBSEQUENT MODEL HYBRID ELECTRIC VEHICLES, IN THE  
PASSENGER CAR, LIGHT-DUTY TRUCK AND MEDIUM-DUTY VEHICLE CLASSES**

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## TABLE OF CONTENTS

Section No.	Page
A	Applicability .....A-1
B.	Definitions .....B-1
C.	Zero-Emission Vehicle Standards ..... C-1
1.	ZEV Emission Standard..... C-1
2.	Percentage ZEV Requirements ..... C-1
3.	Partial ZEV Allowance Vehicles (PZEVs) ..... C-7
4.	Qualification for ZEV Multipliers and Credits ..... C-14
5.	Reserved ..... C-18
6.	Extended Service Multiplier for 1997-2003 Model Year ZEVs and PZEVs With $\geq 10$ Mile Zero Emission Range ..... C-21
7.	Generation and Use of ZEV Credits; Calculation of Penalties ..... C-22
8.	Severability ..... C-25
D.	Certification Requirements ..... D-1
1.	Durability and Emission Testing Requirements ..... D-1
2.	Information Requirements: Application for Certification ..... D-1
3.	ZEV Reporting Requirements ..... D-2
E.	Test Procedures .....E-1
1.	Electric Dynamometer .....E-1
2.	Vehicle and Battery Break-In Period.....E-1
3.	All-Electric Range Test .....E-1
4.	Determination of Battery Specific Energy for ZEVs .....E-3
5.	Determination of the Emissions of the Fuel-fired Heater .....E-3
6.	Hybrid Electric Vehicle FTP Emission Test Provisions .....E-3
7.	Hybrid Electric Vehicle Highway Emission Test Provisions .....E-8
8.	Hybrid Electric Vehicle SFTP Emission Test Provisions.....E-10
9.	State-of-Charge Net Change Tolerances .....E-14

# **CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 2005 AND ~~SUBSEQUENT~~ THROUGH 2008 MODEL ZERO-EMISSION VEHICLES, AND 2001 AND SUBSEQUENT MODEL HYBRID ELECTRIC VEHICLES, IN THE PASSENGER CAR, LIGHT-DUTY TRUCK AND MEDIUM-DUTY VEHICLE CLASSES**

## **A. Applicability**

The emission standards and test procedures in this document are applicable to 2005 and ~~subsequent~~ through 2008 model-year zero-emission passenger cars, light-duty trucks and medium-duty vehicles, and 2001 and subsequent model-year hybrid electric passenger cars, light-duty trucks and medium-duty vehicles. The general procedures and requirements necessary to certify a vehicle for sale in California are contained in the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles" (hereinafter "LDV/MDV TPs"), and apply except as amended herein. A manufacturer may elect to certify a 2000 model-year hybrid electric vehicle under these standards and test procedures and the LDV/MDV TPs.

## **B. Definitions**

In addition to the following, these test procedures incorporate by reference the definitions and abbreviations set forth in the Title 40 Code of Federal Regulations § 86.1803-01, the definitions and abbreviations set forth in the LDV/MDV TPs, and the definitions set forth in section 1900, title 13, CCR.

**"Advanced technology PZEV" or "AT PZEV"** means any PZEV with an allowance greater than 0.2 before application of the PZEV early introduction phase-in multiplier.

**"All-Electric Range Test"** means a test sequence used to determine the range of an electric vehicle or of a hybrid electric vehicle without the use of its auxiliary power unit. The All-Electric Range Test cycle consists of the Highway Fuel Economy Schedule and the Urban Dynamometer Driving Schedule (see section E of these test procedures).

**"Auxiliary power unit"** means a device that converts consumable fuel energy into mechanical or electrical energy. Some examples of auxiliary power units are internal combustion engines, gas turbines, or fuel cells.

**"Battery electric vehicle" or "BEV"** means any vehicle that operates solely by use of a battery or battery pack, or that is powered primarily through the use of an electric battery or battery pack but uses a flywheel or capacitor that stores energy produced by the electric motor or through regenerative braking to assist in vehicle operation.

**"Battery or Battery pack"** means any electrical energy storage device consisting of any number of individual battery modules or cells that is used to propel a battery electric or hybrid electric vehicle. These terms may also generically refer to capacitor and flywheel energy storage devices in the context of hybrid electric vehicles.

**“Battery state-of-charge”** means the quantity of electrical energy remaining in the battery relative to the maximum rated capacity of the battery expressed in percent.

**“Charge-depleting”** means that the battery of a hybrid electric vehicle ultimately fully discharges and impairs vehicle operation as the vehicle continuously operates over a given driving cycle when no off-vehicle charging is performed and the consumable fuel is regularly replenished. Hybrid electric vehicles are required to be classified as either charge-sustaining or charge-depleting over each driving cycle (i.e. UDDS, HFEDS, US06, or SC03).

**“Charge-sustaining”** means that the battery of a hybrid electric vehicle ultimately does not fully discharge and impair vehicle operation as the vehicle continuously operates over a given driving cycle when no off-vehicle charging is performed and the consumable fuel is regularly replenished. Hybrid electric vehicles are required to be classified as either charge-sustaining or charge-depleting over each driving cycle (i.e. UDDS, HFEDS, US06, or SC03).

**“Consumable fuel”** means any solid, liquid, or gaseous matter that releases energy when consumed by an auxiliary power unit.

**“Electric drive system”** means an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operation. This does not include components that could act as a motor, but are configured to act only as a generator or engine starter in a particular vehicle application.

**“Fuel-fired heater”** means a fuel burning device that creates heat for the purpose of warming the passenger compartment of a vehicle but does not contribute to the propulsion of the vehicle.

**“Hybrid electric vehicle” or “HEV”** means any vehicle that can draw propulsion energy from both of the following on-vehicle sources of stored energy: 1) a consumable fuel and 2) an energy storage device such as a battery, capacitor, or flywheel.

**“HFEDS”** means highway fuel economy driving schedule. See 40 CFR 600.109(b).

**“Neighborhood Electric Vehicle” or “NEV”** means a motor vehicle that meets the definition of “low-speed vehicle” either in section 385.5 of the Vehicle Code or in 49 CFR 571.500 (as it existed on July 1, 2000), and is certified to zero-emission vehicle standards.

~~“HFEDS” means highway fuel economy driving schedule. See 40 CFR 600.109(b).~~

**“Off-vehicle charge capable”** means having the capability to charge a battery from an off-vehicle electric energy source that cannot be connected or coupled to the vehicle in any manner while the vehicle is being driven.

**“Placed in service”** means having been sold or leased to an end-user and not just to a dealer or other distribution chain entity, and having been individually registered for on-road use by the California Department of Motor Vehicles.

**“PZEV”** means any vehicle that is delivered for sale in California and that qualifies for a partial ZEV allowance of at least 0.2.

**“Regenerative braking”** means the partial recovery of the energy normally dissipated into friction braking that is returned as electrical current to an energy storage device.

**“SC03”** means the U.S. EPA SC03 driving schedule representing vehicle operation with air conditioning, as set forth in Appendix I of 40 CFR Part 86.

**“SOC Net Change Tolerance”** means the state-of-charge net change tolerance that is applied to the SOC Criterion for charge-sustaining hybrid electric vehicles when validating an emission test. See section D.8 of these procedures for tolerance specifications.

**“SOC Criterion”** means the state-of-charge criterion that is applied to charge-sustaining hybrid electric vehicle to validate an emission test. The SOC Criterion requires that no net change in battery energy occurs over a given test cycle, i.e. the final battery state-of-charge that is recorded at the end of the emission test must be equivalent to the initial battery state-of-charge that is set at the beginning of the emission test. The SOC Net Change Tolerance shall be applied to the SOC Criterion.

**“Specialty ZEV”** means a ZEV that is designed for a commercial or governmental fleet application, and either [i] has the same zero emissions energy storage device and chassis as an existing ZEV from which it is modified, or [ii] in the case of a vehicle that is not based on an existing ZEV platform, is optimized for a particular duty cycle, such as urban delivery service, that conflicts with optimization for maximum vehicle range.

**“Type 0, I, II, and III ZEV”** all have the meanings set forth in section C.4.4(a).

**“US06”** means the US06 driving schedule for aggressive driving as set forth in Appendix I of 40 CFR Part 86.

**“UDDS”** means urban dynamometer driving schedule as set forth Appendix I of 40 CFR Part 86.

**“Zero-emission vehicle”** or **“ZEV”** means any vehicle certified to zero-emission standards.

**“Zero-emission VMT”** means the vehicle miles traveled with zero exhaust emissions of any criteria pollutant (or precursor pollutant).

**C. Zero-Emission Vehicle Standards.**

**1. ZEV Emission Standard.** The Executive Officer shall certify new 2005 and subsequent ~~through 2008~~ model passenger cars, light-duty trucks and medium-duty vehicles as ZEVs if the vehicles produce zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any and all possible operational modes and conditions. Incorporation of a fuel-fired heater shall not preclude a vehicle from being certified as a ZEV provided: (1) the fuel-fired heater cannot be operated at ambient temperatures above 40°F, (2) the heater is demonstrated to have zero fuel evaporative emissions under any and all possible operational modes and conditions, and (3) the emissions of any pollutant from the fuel-fired heater when operated at an ambient temperature between 68°F and 86°F do not exceed the emission standard for that pollutant for a ULEV under section 1961(a)(1), title 13, CCR.

A vehicle that would meet the emissions standards for a ZEV except that it uses a fuel-fired heater that can be operated at ambient temperatures above 40°F, that cannot be demonstrated to have zero fuel evaporative emissions under any and all possible operation modes and conditions, or that has emissions of any pollutant exceeding the emission standard for that pollutant for a ULEV under section 1961(a)(1), title 13, CCR, shall be certified based on the emission level of the fuel-fired heater.

**2. Percentage ZEV Requirements**

**2.1 General Percentage ZEV Requirement.**

(a) *Basic Requirement.* The minimum percentage ZEV requirement for each manufacturer is listed in the table below as the percentage of the PCs and LDT1s, and LDT2s to the extent required by section C.2.2(c), produced by the manufacturer and delivered for sale in California that must be ZEVs, subject to the conditions in section C.2.2.

<i>Model Years</i>	<i>Minimum ZEV Requirement</i>
2005 through 2008	10 percent
<del>2009 through 2011</del>	<del>11 percent</del>
<del>2012 through 2014</del>	<del>12 percent</del>
<del>2015 through 2017</del>	<del>14 percent</del>
<del>2018 and subsequent</del>	<del>16 percent</del>

(b) *Calculating the Number of Vehicles to Which the Percentage ZEV Requirement is Applied.* A manufacturer's volume of PCs and LDT1s produced and delivered for sale in California will be averaged for the 1997, 1998, and 1999 model years to determine the California PC and LDT1 production volume for the model year 2005 ZEV requirements. For ~~subsequent~~ the three-year periods following model years 2005, a manufacturer's California production volume of PCs and LDT1s, and LDT2s as applicable, will be based on a three-year average of the manufacturer's volume of PCs and LDT1s, and LDT2s as applicable, produced and delivered for sale in California in

the prior fourth, fifth and sixth years (e.g. 2006 to 2008 model-year ZEV requirements will be based on California production volumes of PCs and LDT1s, and LDT2s as applicable, for 2000 to 2002 model years). This production averaging is used to determine ZEV requirements only, and has no effect on a manufacturer's size determination. As an alternative to the three year averaging of prior year production described above, a manufacturer may during model year 2005 or the first model year of a subsequent three year period elect to base its ZEV obligation on the number of PCs and LDT1s, and LDT2s to the extent required by section C.2.1(c), produced by the manufacturer and delivered for sale in California that same year. If a manufacturer elects to use this method after model year 2005 it must be used for each year of the three-year period. In applying the ZEV requirement, a PC, LDT1, or LDT2 as applicable, (beginning in the 2007 model year) that is produced by a small volume manufacturer, but is marketed in California by another manufacturer under the other manufacturer's nameplate, shall be treated as having been produced by the marketing manufacturer.

(c) *Phase-in of ZEV Requirements for LDT2s.* Beginning with the ZEV requirements for the 2007 model year, a manufacturer's LDT2 production shall be included in determining the manufacturer's overall ZEV requirement under section C.2.1(a) in the increasing percentages shown in the table below.

2007	2008	2009	2010	2011	2012+
17%	34%	51%	68%	85%	100%

(d) *Exclusion of ZEVs in Determining a Manufacturer's Sales Volume.* In calculating for purposes of section C.2.1(b) and (c) the volume of PCs, LDT1s and LDT2s a manufacturer has produced and delivered for sale in California, the manufacturer shall exclude the number of ZEVs produced by the manufacturer, or by a subsidiary in which the manufacturer has a greater than 50% ownership interest, and delivered for sale in California.

## 2.2 Requirements for Large Volume Manufacturers.

(a) *Primary Requirements for Large Volume Manufacturers.* In the 2005 through 2008 model years, a large-volume manufacturer must meet at least 20% of its ZEV requirement with ZEVs or ZEV credits generated by such vehicles, and at least another 20% with ZEVs, advanced technology PZEVs, or credits generated by such vehicles. The remainder of the large-volume manufacturer's ZEV requirement may be met using PZEVs or credits generated by such vehicles. ~~As the ZEV requirement increases over time from 10% in model year 2005 to 16% in model years 2018 and subsequent, the maximum portion of a large volume manufacturer's percentage ZEV requirement that may be satisfied by PZEVs that are not advanced technology PZEVs, or credits generated by such vehicles, is limited to 6% of the manufacturer's applicable California PC, LDT1, and LDT2 production volume; advanced technology PZEVs or credits generated by such vehicles may be used to meet up to one-half of the manufacturer's remaining ZEV requirement.~~

(b) *Alternative Requirements for Large Volume Manufacturers.*

(1) *Minimum Floor for Production of Type III ZEVs.*

(A) *Requirement For the 2005-2008 Model Years.* A large volume manufacturer electing to be subject to the alternative compliance requirements during model years 2005 through 2008 must produce, deliver for sale, and place in service in California enough 2001-2008 model-year Type III ZEVs to generate ZEV credits sufficient to meet a cumulative percentage ZEV requirement of 1.09 percent of the manufacturer's average annual California sales of PCs and LDT1s over the five year period from model years 1997 through 2001, or submit an equivalent number of credits generated by such vehicles. The manufacturer may meet up to one half of this requirement with [i] 2004-2008 model-year Type I or Type II ZEVs, provided that 20 Type I ZEVs or 10 Type II ZEVs will equal one Type III ZEV, and [ii] 1997-2003 model-year Type I or Type II ZEVs that qualify for an extended service multiplier under section C.6. for a year primarily during calendar years 2004-2008, provided that 33 years of such a multiplier will equal one Type III ZEV.

(B) ~~[RESERVED]Requirement For the 2009-2011 Model Years.~~ A large volume manufacturer electing to be subject to the alternative compliance requirements during model years 2009 through 2011 must produce, deliver for sale, and place in service in California enough 2009-2011 model-year Type III ZEVs to generate ZEV credits sufficient to meet the 2009-2011 alternative path percentage, as calculated pursuant to section C.2.2(b)(1)(E), of the manufacturer's section C.2.1(a) percentage ZEV requirement for the 2010 model year, based on the prior year method described in section C.2.1(b), or submit an equivalent number of credits generated by such vehicles. The manufacturer may meet up to one half of this requirement with [i] 2009-2011 model-year Type I or Type II ZEVs, provided that 20 Type I ZEVs or 10 Type II ZEVs will equal one Type III ZEV, and [ii] 1997-2003 model-year ZEVs that qualify for an extended service multiplier under section C.6. for a year primarily during calendar years 2009-2011, provided that 33 years of such a multiplier will equal one Type III ZEV.

(C) ~~[RESERVED]Requirement For the 2012-2014 Model Years.~~ A large volume manufacturer electing to be subject to the alternative compliance requirements during model years 2012 through 2014 must produce, deliver for sale, and place in service in California enough 2012-2014 model-year Type III ZEVs to generate ZEV credits sufficient to meet the 2012-2014 alternative path percentage, as calculated pursuant to section C.2.2(b)(1)(E), of the manufacturer's section C.2.1(a) percentage ZEV requirement for the 2013 model year, based on the prior year method described in section C.2.1(b), or submit an equivalent number of credits generated by such vehicles. The manufacturer may meet up to one half of this requirement with 2012-2014 model year Type I or Type II ZEVs, provided that 10 Type I ZEVs or 5 Type II ZEVs will equal one Type III ZEV.

(D) ~~[RESERVED]Requirement For the 2015-2017 Model Years.~~ A large volume manufacturer electing to be subject to the alternative compliance requirements during model years 2015 through 2017 must produce, deliver for sale, and place in service in California enough 2015-2017 model year Type III ZEVs to generate ZEV credits sufficient to meet the 2015-2017 alternative path percentage, as calculated in section C.2.2(b)(1)(E), of the manufacturer's section C.2.1(a) percentage ZEV requirement for the 2016 model year, based on the prior year method described in section C.2.1(b), or submit an equivalent number of credits generated by such vehicles. ~~The manufacturer may meet up to one half of this requirement with 2015-2017 model year Type I or Type II ZEVs, provided that 10 Type I ZEVs or 5 Type II ZEVs will equal one Type III ZEV.~~

(E) ~~[RESERVED]Calculation of a Manufacturer's Alternative Path Percentage.~~ A manufacturer's alternative path percentage for a given time period is calculated as the target number of credits for each time period divided by the applicable combined model year ZEV obligation of all large volume manufacturers for that same time period, where:

<i>Time Period (MYs)</i>	<i>Target Number of Alternative Path Type III ZEVs</i>	<i>Credits per Vehicle</i>	<i>Target Number of Credits</i>	<i>Combined Model Year ZEV Obligation</i>	<i>Alternative Path Percentage</i>
2009—2011	2,500	4	10,000	A	10,000/Ax100
2012—2014	25,000	3	75,000	B	75,000/B x100
2015—2017	50,000	3	150,000	C	150,000/C x100

And where:

A = The combined total section C.2.1(a) percentage ZEV requirement, based on the prior year method described in section C.2.1(b), that would apply for all large manufacturers for the 2010 model year,

B = The combined total section C.2.1(a) percentage ZEV requirement, based on the prior year method described in section C.2.1(b), that would apply for all large manufacturers for the 2013 model year, and

C = The combined total section C.2.1(a) percentage ZEV requirement, based on the prior year method described in section C.2.1(b), that would apply for all large manufacturers for the 2016 model year.

(F) *Exclusion of Additional Credits for Transportation Systems.* Any additional credits for transportation systems generated in accordance with section C.7.5 shall not be counted towards compliance with this section C.2.2(b)(1)(A)-(E).

(G) *Carry-over of Excess Credits.* Where a manufacturer generates more qualifying ZEV credits than are needed to meet the minimum floor requirement for the production of Type III ZEVs in one of the periods identified in section C.2.2(b)(1)(A)-(C), the qualifying ZEV credits may be used towards meeting the minimum floor requirement for the production of Type III ZEVs in a subsequent period, provided that the value of these carryover credits shall be based on the model year in which the credits are used. ZEV credits generated from excess production in model years 2005 through 2008 may be carried forward and applied to the 2009 through 2011 minimum floor requirement specified in 1962.1(b)(2)(B)1.b. provided that the value of these carryover credits shall be based on the model year in which the credits are used.

(H) *Failure to Meet Requirement for Production of Type III ZEVs.* A manufacturer that, after electing to be subject to the alternative requirements in section C.2.2(b) for any model year from 2005 through ~~2017~~2008, fails to meet the requirement in section C.2.2(b)(1)(A)-(D) by the end of the specified ~~three or four~~ year period in which the model year falls, shall be treated as subject to the primary requirements in section C.2.1(a) for all model years in the specified ~~three or four~~ year period.

(I) The number of Type III ZEVs needed for a manufacturer under section C.2.2(b)(1)(A)-(D) shall be rounded to the nearest whole number.

(2) *Compliance With Percentage ZEV Requirements.* In the 2005 through 2008 model years, a large volume manufacturer electing to be subject to the alternative compliance requirements in a given model year must meet at least 40 percent of its ZEV requirement for that model year with ZEVs, advanced technology PZEVs, or credits generated from such vehicles. The remainder of the large volume manufacturer's ZEV requirement may be met using PZEVs or credits generated from such vehicles. ~~As the ZEV requirement increases over time from 11% in model year 2009 to 16% in model years 2018 and subsequent, the maximum portion of the large volume manufacturer's percentage ZEV requirement that may be satisfied by PZEVs that are not advanced technology PZEVs, or credits generated by such vehicles, is limited to 6% of the manufacturer's applicable California PC, LDT1, and LDT2 production volume; ZEVs, AT PZEVs, or credits generated by such vehicles may be used to meet the manufacturer's remaining ZEV requirement.~~

(3) *Sunset of Alternative Requirements After the ~~2017~~2008 Model Year.* The alternative requirements in section C.2.2(b) are not available after the ~~2017~~2008 model year.

(c) *Election of the Primary or Alternative Requirements for Large Volume Manufacturers for the 2005 through 2008 Model Years.* A large volume manufacturer shall be subject to the primary ZEV requirements for the 2005 model year unless it notifies the Executive Officer in writing prior to the start of the 2005 model year that it is electing to be subject to the alternative compliance requirements for that model year. Thereafter, through the 2008 model year, a manufacturer shall be subject to the same compliance option as applied in the previous model year unless it notifies the Executive

Officer in writing prior to the start of a new model year that it is electing to switch to the other compliance option for that new model year. However, a large volume manufacturer that has previously elected to be subject to the primary ZEV requirements for one or more of the model years in the ~~three or~~ four year periods identified in section C.2.2(b)(1)(A)-(D) may prior to the end of the ~~three or~~ four year period elect to become subject to the alternative compliance requirements for the full ~~three or~~ four year period upon a demonstration that it has complied with all of the applicable requirements for that period in section C.2.2(b)(1)(A)-(D).

(d) *Use of Credits from Model Year 2003-2004 PZEVs.* A large volume manufacturer may produce, and deliver for sale in California, model year 2003 or 2004 PZEVs that generate credits exceeding the number of credits equal to 6 percent of the average annual volume of 1997, 1998 and 1999 PCs and LDT1s produced and delivered for sale in California by the manufacturer. In that event, the manufacturer may use those excess credits as AT PZEV credits in the 2005 and 2006 model years.

**2.3 Requirements for Intermediate Volume Manufacturers.** In the 2005 and subsequent through 2008 model years, an intermediate volume manufacturer may meet its ZEV requirement with up to 100 percent PZEVs or credits generated by such vehicles.

**2.4 Requirements for Small Volume Manufacturers and Independent Low Volume Manufacturers.** A small volume manufacturer or an independent low volume manufacturer is not required to meet the percentage ZEV requirements. However, a small volume manufacturer or an independent low volume manufacturer may earn and market credits for the ZEVs or PZEVs it produces and delivers for sale in California.

**2.5 Counting ZEVs and PZEVs in Fleet Average NMOG Calculations.** For purposes of calculating a manufacturer's fleet average NMOG value and NMOG credits under sections 1960.1(g)(2) and 1961(b) and (c), title 13, CCR, a vehicle certified as a ZEV is counted as one ZEV, and a PZEV is counted as one SULEV certified to the 150,000 mile standards, regardless of any ZEV or PZEV multipliers.

**2.6 Implementation Prior to 2005 Model Year.** Prior to the 2005 model year, a manufacturer that voluntarily produces vehicles meeting the ZEV emission standards applicable to 2005 and subsequent model year vehicles may certify the vehicles to those standards and requirements for purposes of calculating fleet average NMOG exhaust emission values and NMOG credits under sections 1960.1(g)(2) and 1961(b) and (c), title 13, CCR, and for calculating ZEV credits as set forth in section C.7.

## **2.7     —Changes in Small Volume, Independent Low Volume, and Intermediate Volume Manufacturer Status.**

(a) *Increases in California Production Volume.* In the 2003 and subsequent through 2008 model years, if a small volume manufacturer's average

California production volume exceeds 4,500 units of new PCs, LDTs, and MDVs based on the average number of vehicles produced and delivered for sale for the three previous consecutive model years, or if an independent low volume manufacturer's average California production volume exceeds 10,000 units of new PCs, LDTs, and MDVs based on the average number of vehicles produced and delivered for sale for the three previous consecutive model years, or if an intermediate volume manufacturer's average California production volume exceeds 60,000 units of new PCs, LDTs, and MDVs based on the average number of vehicles produced and delivered for sale for the three previous consecutive model years, the manufacturer shall no longer be treated as a small volume, independent low volume, or intermediate volume manufacturer, as applicable, and shall comply with the ZEV requirements for independent low volume, intermediate volume or large volume manufacturers, as applicable, beginning with the sixth model year after the last of the three consecutive model years. The lead time shall be four rather than six years where a manufacturer ceases to be a small or intermediate volume manufacturer in the 2003 ~~or subsequent~~ through 2008 model years due to the aggregation requirements in majority ownership situations, except that if the majority ownership in the manufacturer was acquired prior to the 2001 model year, the manufacturer must comply with the stepped-up ZEV requirements starting in the 2010 model year.

(b) *Decreases in California Production Volume.* If a manufacturer's average California production volume falls below 4,500, 10,000 or 60,000 units of new PCs, LDTs, and MDVs, as applicable, based on the average number of vehicles produced and delivered for sale for the three previous consecutive model years, the manufacturer shall be treated as a small volume, independent low volume, or intermediate volume manufacturer, as applicable, and shall be subject to the requirements for a small volume, independent low volume, or intermediate volume manufacturer beginning with the next model year. In determining small volume manufacturer status, vehicles produced by one manufacturer and marketed in California by another manufacturer under the other manufacturer's nameplate shall be treated as part of the California production volume of the sales of the marketing manufacturer.

(c) *Calculating California Production Volume in Change of Ownership Situations.* Where a manufacturer experiences a change in ownership in a particular model year, the change will affect application of the aggregation requirements on the manufacturer starting with the next model year. The manufacturer's small or intermediate volume manufacturer status for the next model year shall be based on the average California production volume in the three previous consecutive model years of those manufacturers whose production volumes must be aggregated for that next model year. For example, where a change of ownership during the 2004 model year results in a requirement that the production volume of Manufacturer A be aggregated with the production volume of Manufacturer B, Manufacturer A's status for the 2005 model year will be based on the production volumes of Manufacturers A and B in the 2002-2004 model years. Where the production volume of Manufacturer A must be aggregated with the production volumes of Manufacturers B and C for the 2004 model year, and during that model year a change in ownership eliminates the requirement that Manufacturer

B's production volume be aggregated with Manufacturer A's, Manufacturer A's status for the 2005 model year will be based on the production volumes of Manufacturers A and C in the 2002-2004 model years. In either case, the lead time provisions in section 2.57(a) and (b) will apply.

### **3. Partial ZEV Allowance Vehicles (PZEVs).**

**3.1 Introduction.** This section C.3 sets forth the criteria for identifying vehicles delivered for sale in California as PZEVs. A PZEV is a vehicle that cannot be certified as a ZEV but qualifies for a PZEV allowance of at least 0.2.

**3.2 Baseline PZEV Allowance.** In order for a vehicle to be eligible to receive a PZEV allowance, the manufacturer must demonstrate compliance with all of the following requirements. A qualifying vehicle will receive a baseline PZEV allowance of 0.2.

(a) *SULEV Standards.* Certify the vehicle to the 150,000-mile SULEV exhaust emission standards for PCs and LDTs in section 1961(a)(1), title 13, CCR (for model years 2003 through 2006, existing SULEV intermediate compliance standards shall apply to all PZEVs). Bi-fuel, fuel-flexible and dual-fuel vehicles must certify to the applicable 150,000-mile SULEV exhaust emission standards when operating on both fuels;

(b) *Evaporative Emissions.* Certify the vehicle to the evaporative emission standards in section 1976(b)(1)(E), title 13, CCR ("zero-fuel evaporative emissions standards);

(c) *OBD.* Certify that the vehicle will meet the applicable on-board diagnostic requirements in sections 1968.1 or 1968.2, as applicable, title 13, CCR for 150,000 miles; and

(d) *Extended Warranty.* Extend the performance and defects warranty period set forth in sections 2037(b)(2) and 2038(b)(~~2~~1) to 15 years or 150,000 miles, whichever occurs first, except that the time period is to be 10 years for a zero emission energy storage device used for traction power (such as a battery, ultracapacitor, or other electric storage device).

### **3.3 Zero-Emission VMT PZEV Allowance.**

(a) *Calculation of Zero Emission VMT Allowance.* A vehicle that meets the requirements of section C.3.2 and has zero-emission vehicle miles traveled ("VMT") capability will generate an additional zero emission VMT PZEV allowance, calculated as follows:

<i>Urban All-Electric Range</i>	<i>Zero-emission VMT Allowance</i>
< 10 miles	0.0
10 miles to 90 miles	$(33.8 + [0.5 \times \text{Urban AER}])/35$
> 90 miles	2.25

The urban all-electric range shall be determined in accordance with section E.3.(2)(a) of these test procedures.

(b) *Alternative Procedures.* As an alternative to determining the zero-emission VMT allowance in accordance with the preceding section C.3.3(a), a manufacturer may submit for Executive Officer approval an alternative procedure for determining the zero-emission VMT potential of the vehicle as a percent of total VMT, along with an engineering evaluation that adequately substantiates the zero-emission VMT determination. For example, an alternative procedure may provide that a vehicle with zero-emissions of one regulated pollutant (e.g. NOx) and not another (e.g. NMOG) will qualify for a zero-emission VMT allowance of 1.5.

(c) *Additional Allowances for Qualifying HEVs.* The Executive Officer shall approve an additional 0.1 zero-emission VMT partial ZEV allowance for an HEV with an all-electric range if the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer that the HEV is equipped with software and/or other strategies that would promote maximum use of off-vehicle charging, and that the strategies employed are reasonably reliable and tamper-proof.

**3.4 PZEV Allowance for Advanced ZEV Componentry.** A vehicle that meets the requirements of section C.3.2 may qualify for an advanced componentry PZEV allowance as provided in this section 3.4.

(a) *Use of High Pressure Gaseous Fuel or Hydrogen Storage System.* A vehicle equipped with a high pressure gaseous fuel storage system capable of refueling at 3600 pounds per square inch or more and operating exclusively on this gaseous fuel shall qualify for an advanced componentry PZEV allowance of 0.2. A vehicle capable of operating exclusively on hydrogen stored in a high pressure system capable of refueling at 3600 pounds per square inch or more, or stored in nongaseous form, shall instead qualify for an advanced componentry PZEV allowance of 0.3.

(b) *Use of a Qualifying HEV Electric Drive System.*

(1) *Classification of HEVs.* HEVs qualifying for additional allowances or allowances that may be used in the AT PZEV category are classified in one of five types of HEVs based on the criteria in the following table.

<i>Characteristics</i>	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>	<i>Type D</i>	<i>Type E</i>
Electric Drive System Peak Power Output	>= 4 kW	>= 4 kW <10 kW	>= 10 kW	>= 10 kW	>= 50 kW
Traction Drive System Voltage	<60 Volts	>= 60 Volts	< 60 Volts	>= 60 Volts	>= 60 volts
Traction Drive Boost	Yes	Yes	Yes	Yes	Yes
Regenerative Braking	Yes	Yes	Yes	Yes	Yes
Idle Start/Stop	Yes	Yes	Yes	Yes	Yes

(2) *Type A HEVs.* A 2008 or earlier model-year PZEV that the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer meets all of the criteria for a Type A HEV does not receive an additional allowance for meeting those criteria but generates credits that may be used in the AT PZEV category through the 2008 model year.

(3) *Type B HEVs.* A 2008 or earlier model-year PZEV that the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer meets all of the criteria for a Type B HEV qualifies for an additional advanced componentry allowance of 0.2.

(4) *Type C HEVs.* A ~~2011~~2008 or earlier model-year PZEV that the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer meets all of the criteria for a Type C HEV, and that is equipped with an advanced traction energy storage system – such as nickel metal-hydride batteries, ultracapacitors, or other similar systems – with a design lifetime of at least 10 years, qualifies for an additional advanced componentry allowance of 0.2.

(5) *Type D HEVs.* A PZEV that the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer meets all of the criteria for a Type D HEV qualifies for an additional advanced componentry allowance of 0.4 in the 2003 through ~~2011~~2008 model years, ~~0.35 in the 2012 through 2014 model years,~~ and ~~0.25 in the 2015 and subsequent model years.~~

(6) *Type E HEVs.* A PZEV that the manufacturer demonstrates to the reasonable satisfaction of the Executive Officer meets all of the criteria for a Type E HEV qualifies for an additional advanced componentry allowance of 0.5 in the 2003 through ~~2011~~2008 model years, ~~0.45 in the 2012 through 2014 model years,~~ and ~~0.35 in the 2015 and subsequent model years.~~

(7) *Severability.* In the event that all or part of section C.3.4(b)(1)-(6) is found invalid, the remainder of these standards and test procedures, including the remainder of section C.3.4(b)(1)-(6) if any, remains in full force and effect.

**3.5 PZEV Allowance for Low Fuel-Cycle Emissions.** A vehicle that uses fuel(s) with very low fuel-cycle emissions shall receive a PZEV allowance not to exceed 0.3 (0.15 in the case of an HEV that uses for propulsion any fuel that does not have very low fuel-cycle emissions). In order to receive the fuel-cycle PZEV allowance, a manufacturer must demonstrate to the Executive Officer, using peer-reviewed studies or other relevant information, that NMOG emissions associated with the fuel(s) used by the vehicle (on a grams/mile basis) are lower than or equal to 0.01 grams/mile. Fuel-cycle emissions must be calculated based on near-term production methods and infrastructure assumptions, and the uncertainty in the results must be quantified. The fuel-cycle PZEV allowance is calculated according to the following formula:

$$\text{PZEV Fuel Cycle Allowance} = 0.3 \times [(\text{percent of VMT using fuel(s) meeting the requirements of the preceding paragraph}) / 100]$$

A manufacturer's demonstration to the Executive Officer that a vehicle qualifies for a fuel-cycle PZEV allowance shall include test results and/or empirical data supporting the estimate of the relative proportion of VMT while operating on fuel(s) with very low fuel-cycle emissions.

### **3.6 Calculation of PZEV Allowance.**

(a) *Calculation of Combined PZEV Allowance for a Vehicle.* The combined PZEV allowance for a qualifying vehicle in a particular model year is the sum of the PZEV allowances listed in this section C.3.6, multiplied by any PZEV introduction phase-in multiplier listed in section C.3.7, subject to the cap in section C.3.6(b).

(1) *Baseline PZEV Allowance.* The baseline PZEV allowance of 0.2 for vehicles meeting the criteria in section C.3.2;

(2) *Zero Emission VMT PZEV Allowance.* The zero-emission VMT PZEV allowance, if any, determined in accordance with section C.3.3.;

(3) *Advanced ZEV Componentry PZEV Allowance.* The advanced ZEV componentry PZEV allowance, if any, determined in accordance with section C.3.4; and

(4) *Fuel-cycle Emissions PZEV Allowance.* The fuel-cycle emissions PZEV allowance, if any, determined in accordance with section C.3.5.

(b) *Caps on the Value of an AT PZEV Allowance.*

(1) ~~[RESERVED]Cap for 2012 and Subsequent Model-Year Vehicles.~~ The maximum value of AT PZEV allowances a 2012 and subsequent model-year vehicle may earn, including the baseline PZEV allowance, is ~~3.0~~.

(2) *Cap Based on the Credit Value of a Type III ZEV.* In no case may the combined AT PZEV allowance for a qualifying vehicle in a particular model year, including the baseline PZEV allowance, exceed the ZEV credits for a Type III ZEV placed in service in the same model year.

### 3.7 PZEV Multipliers

(a) *PZEV Introduction Phase-In Multiplier.* Each 2000 through 2005 model-year PZEV that is produced and delivered for sale in California, other than a PZEV qualifying for a phase-in multiplier under section C.3.7(b), qualifies for a PZEV introduction phase-in multiplier as follows:

	<i>MY 2000-2003</i>	<i>MY 2004</i>	<i>MY 2005</i>
Multiplier	4.0	2.0	1.33

(b) *Introduction Phase-In Multiplier for PZEVs That Earn a Zero Emission VMT Allowance.* Each 2000 through ~~2011~~2008 model year PZEV that earns a zero emission VMT allowance under section C.3.3 and is produced and delivered for sale in California qualifies for a phase-in multiplier as follows:

	<i>MY 2000-2008</i>	<i>MY 2009-2011</i>
Multiplier	6.0	<del>3.0</del>

## 4. Qualification for ZEV Multipliers and Credits.

**4.1 1999-2000 Model-Year ZEV Multiplier Calculation for Extended Electric Range Vehicles.** Each ZEV that is produced and delivered for sale in California in the 1999-2000 model years and that has an extended electric range shall qualify for a ZEV multiplier as follows:

<i>All-electric range</i>	<i>MY 1999-2000</i>
100-175	6-10

ZEV multipliers under the above schedule will be determined by linear interpolation between the values shown in the above schedule. Range shall be determined in accordance with section E.3.(2)(a) of these test procedures. ZEVs that have a refueling time of less than 10 minutes and a range of 100 miles or more shall be counted as having unlimited all-electric range, and shall consequently earn the maximum allowable ZEV multiplier for a specific model year. ZEVs that have a range of 80 to 99 miles shall

qualify for ZEV multipliers in the 1999-2000 model years in accordance with the following equation:

$$\text{ZEV multiplier} = (6) \times (\text{AER equivalent to a 10 minute recharge}/100) \times 0.5.$$

As an option to the above mechanism, the manufacturer of a 1999 model-year ZEV may elect to have its multiplier based on the regulatory requirements pertaining to multipliers based on range or specific energy in section 1960.1(g)(2) and (h)(2), title 13, CCR, that were applicable to 1999 model-year ZEVs immediately before this section 1962 became operative on November 27, 1999 as a result of the "LEV II" rulemaking.

#### 4.2 ZEV Multipliers for 2001-2002 Model Years.

(a) *ZEV Phase-In Multiplier.* Each 2001 and 2002 model-year ZEV that is placed in service in California by September 30, 2003 qualifies for a ZEV phase-in multiplier of 4.0. A 2001 or 2002 model-year ZEV that is placed in service in California after September 30, 2003 earns credits in accordance with section 4.4 instead of section 4.2.

(b) *ZEV Extended Electric Range Multiplier.*

(1) *Basic Multiplier Schedule.* Each 2001 and 2002 model-year ZEV that is placed in service in California and that has an extended urban electric range qualifies for a ZEV extended electric range multiplier as follows:

<i>Urban All-Electric Range</i>	<i>Multiplier</i>
< 50 miles	1
$\geq$ 50 miles to < 275 miles	(Urban AER-25)/25
$\geq$ 275 miles	10

A NEV is not eligible to earn a ZEV extended electric range multiplier. In determining ZEV range multipliers, specialty ZEVs may, upon Executive Officer approval, be tested at the parameters used to determine the ZEV multipliers for the existing ZEV.

(2) *Fast refueling.*

(A) *Full Fueling in 10 Minutes or Less.* A 2001 -2002 model-year ZEV with the demonstrated capability to accept fuel or electric charge until achieving at least 95% SOC or rated fuel capacity in 10 minutes or less when starting from all operationally allowable SOC or fuel states is counted as having unlimited zero emission range and qualifies for the maximum allowable ZEV extended electric range multiplier.

(B) *At Least 60-Mile Range in Less Than 10 Minutes.* A 2001-2002 model year ZEV with the demonstrated capacity to accept fuel or electric charge equivalent to at least 60 miles of UDDS range when starting from 20% SOC in less than 10 minutes is counted as having 60 additional miles (up to a 275 mile maximum) of UDDS range in the range multiplier determination in section C.4.2(c)(1).

(c) *Combined Multiplier.* During the 2001-2002 model years, the combined ZEV multiplier for each ZEV in a specific model year is the product of:

- (1) The ZEV phase-in multiplier if any as set forth in section C.4.2(a), times
- (2) The extended electric range multiplier if any as set forth in section C.4.2(b).

**4.3 Effect of ZEV Multipliers in the 1996-2002 Model Years.** In calculating the number of ZEVs produced and delivered for sale in California by a manufacturer in the 1996-2002 model years and the ZEV credits from such vehicles, the number of ZEVs qualifying for a particular ZEV multiplier shall be multiplied by the combined ZEV multiplier.

**4.4 ZEV Credits for the 2003 and Subsequent through 2008 Model Years.**

(a) *ZEV Tiers for Credit Calculations.* Starting in the 2003 model year, ZEV credits from a particular ZEV are based on the assignment of a given ZEV into one of the following five ZEV tiers:

<i>ZEV Tier</i>	<i>Common Description</i>	<i>UDDS ZEV Range</i>	<i>Fast Refueling Capability</i>
NEV	NEV	No minimum	N/A
Type 0	Utility EV	<50 miles	N/A
Type I	City EV	>= 50, <100 miles	N/A
Type II	Full Function EV	>= 100 miles	N/A
Type III	Fuel Cell EV	>= 100 miles	Must be capable of replacing 95% maximum rated energy capacity in <= 10 minutes

A specialty ZEV that has the same zero emission energy storage device and chassis as an existing ZEV from which it was modified may, upon Executive Officer approval, be categorized on the basis of that existing ZEV. A specialty vehicle that is optimized for a particular duty cycle that conflicts with optimization for maximum vehicle range may be promoted to the next higher ZEV tier upon a determination by the Executive Officer that the specialty vehicle has ZEV componentry equivalent to that utilized by ZEVs in the

next tier and would meet the requirements for the next tier if optimized for maximum range.

(b) *ZEV Credits for 2003 and Subsequent through 2008 Model-Year ZEVs.* A 2003 and subsequent through 2008 model-year ZEV, other than a NEV, earns 1 ZEV credit when it is produced and delivered for sale in California. A 2003 and subsequent through 2008 model-year ZEV earns additional credits based on the earliest model year in which the ZEV is placed in service (not earlier than the ZEV's model year). The following table identifies the total credits that a ZEV in each of the five ZEV tiers will earn, including the credit not contingent on placement in service, if it is placed in service in the specified model year or by June 30 after the end of the specified model year.

<u>Total Credit Earned by ZEV Type and Model Year for Production and Delivery for Sale and for Placement</u>										
<i>Tier</i>	<i>Model Year in Which ZEV is Placed in Service</i>									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012+
NEV	1.25	0.625	0.625	0.15	0.15	0.15	0.15	0.15	0.15	0.15
Type 0 (Utility)	1.5	1.5	1.5	1.5	1.5	1.5	1	1	1	1
Type 1 (City)	8	8	8	7	7	7	2	2	2	2
Type II	12	12	12	10	10	10	3	3	3	3
Type III	40	40	40	40	40	40	4	4	4	3

(c) *Multiplier for Certain Type I and Type II ZEVs.* A 2004 through 2011-2008 model-year Type I and Type II ZEV shall qualify for a multiplier of 1.25 if it is either sold to a motorist or is leased for three or more years to a motorist who is given the option to purchase or re-lease the vehicle for two years or more at the end of the first lease term.

(d) *Counting a Type III ZEV Placed in a Section 177 State.* Through the 2011-2008 model year, a Type III ZEV that is certified to the California ZEV standards and is placed in service in a state that is administering the California ZEV requirements pursuant to section 177 of the federal Clean Air Act (42 U.S.C. § 7507) applicable for the ZEV's model year may be counted towards compliance with the California percentage ZEV requirements in section C.2, including the requirements in section C.2.2(b), as if it were delivered for sale and placed in service in California. Similarly, a 2011-2008 and earlier model-year Type III ZEV that is certified to the California ZEV standards and is placed in service in California may be counted towards the percentage ZEV requirements of any state that is administering the California ZEV requirements

pursuant to section 177 of the federal Clean Air Act, including requirements based on section C.2.2(b).

## 5. [Reserved]

**6. Extended Service Multiplier for 1997-2003 Model-Year ZEVs and PZEVs With  $\geq 10$  Mile Zero Emission Range.** Except in the case of a NEV, an additional ZEV or PZEV multiplier will be earned by the manufacturer of a 1997 through 2003 model-year ZEV, or PZEV with  $\geq 10$  mile zero emission range, for each full year it is registered for operation on public roads in California beyond its first three years of service, through the ~~2014~~2008 calendar year. For additional years of service starting earlier than April 24, 2003, the manufacturer will receive 0.1 times the ZEV credit that would be earned by the vehicle if it were leased or sold new in that year, including multipliers, on a year-by-year basis beginning in the fourth year after the vehicle is initially placed in service. For additional years of service starting April 24, 2003 or later, the manufacturer will receive 0.2 times the ZEV credit that would be earned by the vehicle if it were leased or sold new in that year, including multipliers, on a year-by-year basis beginning in the fourth year after the vehicle is initially placed in service. The extended service multiplier is reported and earned in the year following each continuous year of service.

## 7. Generation and Use of ZEV Credits; Calculation of Penalties

**7.1 Introduction.** A manufacturer that produces and delivers for sale in California ZEVs or PZEVs in a given model year exceeding the manufacturer's ZEV requirement set forth in section C.2 shall earn ZEV credits in accordance with this section C.7.

### 7.2 ZEV Credit Calculations.

(a) *Credits from ZEVs.* The amount of g/mi ZEV credits earned by a manufacturer in a given model year from ZEVs shall be expressed in units of g/mi NMOG, and shall be equal to the number of credits from ZEVs produced and delivered for sale in California that the manufacturer applies towards meeting the ZEV requirements for the model year subtracted from the number of ZEVs produced and delivered for sale in California by the manufacturer in the model year and then multiplied by the NMOG fleet average requirement for PCs and LDT1s for that model year.

(b) *Credits from PZEVs.* The amount of g/mi ZEV credits from PZEVs earned by a manufacturer in a given model year shall be expressed in units of g/mi NMOG, and shall be equal to the total number of PZEV allowances from PZEVs produced and delivered for sale in California that the manufacturer applies towards meeting its ZEV requirement for the model year subtracted from the total number of PZEV allowances from PZEVs produced and delivered for sale in California by the manufacturer in the

model year and then multiplied by the NMOG fleet average requirement for PCs and LDT1s for that model year.

(c) *Separate Credit Accounts.* The number of credits from a manufacturer's [i] ZEVs and [ii] advanced technology PZEVs, and [iii] all other PZEVs shall each be maintained separately.

**7.3 ZEV Credits for MDVs and LDTs Other Than LDT1s.** ZEVs and PZEVs classified as MDVs or as LDTs other than LDT1s may be counted toward the ZEV requirement for PCs, ~~and LDT1s, and LDT2s as applicable,~~ and included in the calculation of ZEV credits as specified in this section C.4 if the manufacturer so designates.

**7.4 ZEV Credits for Advanced Technology Demonstration Programs.** A vehicle, other than a NEV, that is placed in a California advanced technology demonstration program may earn ZEV credits even if it is not "delivered for sale" or registered with the California Department of Motor Vehicles (DMV). To earn such credits, the manufacturer must demonstrate to the reasonable satisfaction of the Executive Officer that the vehicles will be regularly used in applications appropriate to evaluate issues related to safety, infrastructure, fuel specifications or public education, and that for more than 50 percent of the first year of placement the vehicle will be situated in California. Such a vehicle is eligible to receive the same allowances and credits that it would have earned if placed in service. To determine vehicle credit, the model-year designation for a demonstration vehicle shall be consistent with the model-year designation for conventional vehicles placed in the same timeframe.

### **7.5 ZEV Credits for Transportation Systems.**

(a) *General.* In model years 2001 through ~~2011~~2008, a ZEV, advanced technology PZEV or PZEV placed as part of a transportation system may earn additional ZEV credits, which may used in the same manner as other credits earned by vehicles of that category, except as provided in section C.7.5(c) below. A NEV is not eligible to earn credit for transportation systems. To earn such credits, the manufacturer must demonstrate to the reasonable satisfaction of the Executive Officer that the vehicle will be used as a part of a project that uses an innovative transportation system as described in section 7.5(b) below.

(b) *Credits Earned.* In order to earn additional credit under this section (g)(5), a project must at a minimum demonstrate [i] shared use of ZEVs, AT PZEVs or PZEVs, and [ii] the application of "intelligent" new technologies such as reservation management, card systems, depot management, location management, charge billing and real-time wireless information systems. If, in addition to factors [i] and [ii] above, a project also features linkage to transit, the project may receive further additional credit. For ZEVs only, not including NEVs, a project that features linkage to transit, such as dedicated parking and charging facilities at transit stations, but does not demonstrate shared use or the application of intelligent new technologies, may also receive

additional credit for linkage to transit. The maximum credit awarded per vehicle shall be determined by the Executive Officer, based upon an application submitted by the manufacturer and, if appropriate, the project manager. The maximum credit awarded shall not exceed the following:

<i>Type of Vehicle</i>	<i>Shared Use, Intelligence</i>	<i>Linkage to Transit</i>
PZEV	2	1
Advanced Technology PZEV	4	2
ZEV	6	3

(c) *Cap on Use of Credits.*

(1) *ZEVs.* Credits earned or allocated by ZEVs pursuant to this section C.7.5, not including all credits earned by the vehicle itself, may be used to satisfy up to one-tenth of a manufacturer's ZEV obligation in any given model year.

(2) *AT PZEVs.* Credits earned or allocated by AT PZEVs pursuant to this section C.7.5, not including all credits earned by the vehicle itself, may be used to satisfy up to one-twentieth of a manufacturer's ZEV obligation in any given model year, but may only be used in the same manner as other credits earned by vehicles of that category.

(3) *PZEVs.* Credits earned or allocated by PZEVs pursuant to this section C.7.5, not including all credits earned by the vehicle itself, may be used to satisfy up to one-fiftieth of the manufacturer's ZEV obligation in any given model year, but may only be used in the same manner as other credits earned by vehicles of that category.

(d) *Allocation of Credits.* Credits shall be assigned by the Executive Officer to the project manager or, in the absence of a separate project manager, to the vehicle manufacturers upon demonstration that a vehicle has been placed in a project. Credits shall be allocated to vehicle manufacturers by the Executive Officer in accordance with a recommendation submitted in writing by the project manager and signed by all manufacturers participating in the project, and need not be allocated in direct proportion to the number of vehicles placed.

**7.6 SubmittalUse of ZEV Credits.** A manufacturer may meet the ZEV requirements in any given model year by submitting to the Executive Officer a commensurate amount of g/mi ZEV credits, consistent with section C.2. These credits may be earned previously by the manufacturer or acquired from another party, except that beginning with the 2006 model year credits earned from NEVs offered for sale or placed in service in model years 2001 through 2005 cannot be used to satisfy more than the following portion of a manufacturer's percentage ZEV obligation that may only be satisfied with credits from ZEVs and, starting with the 2009 model year, the manufacturer's percentage ZEV obligation that may be satisfied by credits from AT PZEVs but not PZEVs:

<u>ZEV Category</u>		<u>AT PZEV Category</u>	
<u>2006</u>	<u>2007 and beyond</u>	<u>2009</u>	<u>2010 and beyond</u>
<u>75%</u>	<u>50%</u>	<u>75%</u>	<u>50%</u>

This limitation applies to credits earned in model years 2001 through 2005 by the same manufacturer or earned in model years 2001 through 2005 by another manufacturer and acquired. The amount of g/mi ZEV credits required to be submitted shall be calculated according to the criteria set forth in this section C.7.

ZEV credits generated from excess production in model years 2005 through 2008, including those acquired from another party, may be carried forward and applied to the manufacturer's percentage ZEV obligation that may only be satisfied by credits from ZEVs in section 1962.1(b)(2)(B)1.b. Beginning with the 2012 model year, those earned ZEV credits may no longer be used to satisfy the manufacturer's percentage ZEV obligation that may only be satisfied by credits from ZEVs, but may be used to satisfy the manufacturer's percentage ZEV obligation that may be satisfied by credits from Enhanced AT PZEVs, AT PZEVs, or PZEVs. For example, ZEV credit earned in 2008 would retain full flexibility through 2011, at which time that credit could only be used as Enhanced AT PZEV, AT PZEV, or PZEV credits.

### **7.7 Requirement to Make Up a ZEV Deficit.**

(a) *General.* A manufacturer that produces and delivers for sale in California fewer ZEVs than required in a given model year shall make up the deficit by the end of the ~~next~~third model year by submitting to the Executive Officer a commensurate amount of g/mi ZEV credits, ~~except that credits generated from PZEVs may be used to offset deficits for two model years.~~ The amount of ZEV credits required to be submitted shall be calculated by [i] adding the number of ZEVs produced and delivered for sale in California by the manufacturer for the model year to the number of ZEV allowances from partial ZEV allowance vehicles produced and delivered for sale in California by the manufacturer for the model year (for a large volume manufacturer, not to exceed that permitted under section C.2.1), [ii] subtracting that total from the number of ZEVs required to be produced and delivered for sale in California by the manufacturer for the model year, and [iii] multiplying the resulting value by the fleet average requirements for PCs and LDT1s for the model year in which the deficit is incurred.

**7.8 Penalty for Failure to Meet ZEV Requirements.** Any manufacturer that fails to produce and deliver for sale in California the required number of ZEVs ~~or~~and submit an appropriate amount of g/mi ZEV credits and does not make up ZEV deficits within the specified time period shall be subject to the Health and Safety Code section 43211 civil penalty applicable to a manufacturer that sells a new motor vehicle that does not meet the applicable emission standards adopted by the state board. The cause of action shall be deemed to accrue when the ZEV deficits are not balanced by the end of the specified time period. For the purposes of Health and Safety Code

section 43211, the number of vehicles not meeting the state board's standards shall be calculated according to the following equation, provided that the percentage of a large volume manufacturer's ZEV requirement for a given model year that may be satisfied with partial ZEV allowance vehicles or ZEV credits from such vehicles may not exceed the percentages permitted under section C.2.1:

(No. of ZEVs required to be produced and delivered for sale in California for the model year) - (No. of ZEVs produced and delivered for sale in California for the model year) - (No. of ZEV allowances from partial ZEV allowance vehicles produced and delivered for sale in California for the model year) - [(Amount of ZEV credits submitted for the model year) / (the fleet average requirement for PCs and LDT1s for the model-year)].

**8. Severability.** Each provision of these standards and test procedures is severable, and in the event that any provision of these standards and test procedures is held to be invalid, the remainder of the standards and test procedures remains in full force and effect.

**D. Certification Requirements [NO CHANGE]**

**E. Test Procedures [NO CHANGE]**